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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,046	07/25/2003	Hansjurg Gysin	0820/0N031US0	4029
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DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER MULLINS, BURTON S	
			ART UNIT 2834	PAPER NUMBER

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/628,046

Applicant(s)

GYSIN, HANSJURG

Examiner

Burton S. Mullins

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the European Patent Office on 26 July 2002. It is noted, however, that applicant has not filed a certified copy of the EPO application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 24 October 2003 has been considered by the examiner.

### ***Drawings***

3. The drawings are objected to because in Fig. 1, the reference letter "2m" is not clear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any

Art Unit: 2834

portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

4. Claims 1-23 are objected to because of the following informalities: The claims should be complete sentences. Further, in claims 9 and 21-23 change “centring” to –centering--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, recitation “said parts” is vague and indefinite because it is not clear what “parts” are referred to and whether this includes the rotor magnets 1.

In claim 2 the “and/or” (lines 3 and 4) recitation renders the claim indefinite because if the first “and/or” is taken to mean “or” and the spindle nut is excluded, then the “at least one annular channel” could not lie “between the spindle shoulder...and/or the spindle nut”. A similar problem appears in claims 4, 13 and 14. Language similar to that presented in claim 17 would overcome this problem.

In claims 4, 13 and 14, “electrically...neutral” is indefinite. It is not clear if this means electrically non-conductive.

In claims 6 and 17, “the cylindrical shell-type armouring” lacks antecedent basis.

In claim 10, “places” is vague and indefinite.

In claim 11, the function language is vague, indefinite and lacks antecedent basis.

In claim 12, “the supply channel” lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5, 10-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Joho (DE 10060121). Joho teaches a high-speed rotor, in particular permanent-magnet rotor for dynamoelectric machines of high power density, comprising at least one spindle (center tube 24, Fig.7) and a cylindrical sheath 3 coaxial with the spindle, and also a number of bodies, i.e., magnets 2 that are distributed between the spindle 24 and the cylindrical sheath 3, characterized in that a cavity-filling, compressed and cured filling compound, e.g., a resin, is used for the pretensioned sealing and rigid joining of said parts (c.5, lines 3-33).

Regarding claim 2, as best understood, the spindle includes shoulder formed by closure disk 4 and has an annular channel in which magnets 2 are placed (Fig.7).

Regarding claims 3 and 12, supply channels 26 are connected to symmetric slots 26 (Fig.8) and to a recess in which the magnets 2 are placed (Fig.9).

Regarding claims 5 and 16, note cylindrical shell-type armouring 3 situated on shoulders 4.

Regarding claim 10, as best understood, the rotor is thermally treated after introduction of the resin mass (c.5, lines 12-15).

Regarding claim 11, as best understood, this is inherent in Joho.

***Allowable Subject Matter***

9. Claims 4, 6-9, 13-15 and 17-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claims 4 and 13-14, Joho teaches a spindle including a shoulder formed by closure disk 4 and an annular channel in which magnets 2 are placed and further including inserts 16 between the magnets (Fig.2) which may comprise non-magnetic materials according to desired magnetic salience (c.3, lines 15-17); however, there is no teaching that the insert material is also non-conductive. Rather, since similar inserts 20, 21 and 31 in the other embodiments are specifically metallic, i.e., conductive, this implies that the inserts 16 would be conductive, too.

Regarding claims 6 and 18, the shell 3 in Joho is clamped between two shoulders 4, not “between two spindle nuts or a spindle shoulder and a spindle nut”.

Art Unit: 2834

Regarding claims 19-20, Joho nor the prior art teach or suggest the claimed seal structure.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029.

The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Burton S. Mullins  
Primary Examiner  
Art Unit 2834

bsm  
16 December 2004